COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: January 14, 2011

OFFICE CORRESPONDENCE

FILE NO. FO2262031

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: HOLLY M. PEREZ, CAPTAIN
TWIN TOWERS CORRECTIONAL FACILITY

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS USE OF FORCE**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on February 27, 2010.

The Committee met on January 13, 2011 and consisted of me, Commander Stephen B. Johnson, Custody Operations Division, and Commander Daryl Evans, Technical Services Division. The Committee determined the use of force by Custody Assistant Luis Vasquez #[redacted] and Deputy [redacted] #[redacted] was within Department policy.

Please advise the involved personnel of this finding.

EBS:RSP/rsp



TABLE OF CONTENT

Investigator's Log

Supervisor's Report on Use of Force

IAB Investigative Summary

Employee Interviews

Involved Employees

Luis Vasquez . . . . Custody Assistant, #[redacted] TTCF

[redacted] . . . . Deputy Sheriff, #[redacted] TTCF

Inmate Witnesses

[redacted] . . . . Bkg. #[redacted]

[redacted] . . . . Bkg. #[redacted]

[redacted] . . . . Bkg. #[redacted]

[redacted] . . . . Bkg. #[redacted]

[redacted] . . . . Bkg. #[redacted]

Involved Inmate

Thomas A. Sterling . . . . Bkg. #2081586

Exhibits

A. LASD Use of Force Memorandum, URN 910-00266-5800-505, authored by Custody Assistant Luis Vasquez
B. LASD Use of Force Memorandum, URN 910-00266-5800-505, authored by Deputy [redacted]
C. LASD Memorandum, URN 910-00266-5800-505, authored by Sergeant Gutierrez
D. Work Order Tracking From
E. Photographs of scene, Photographs 1-4 and of Inmate Sterling
F. 1 - DVD containing inmate interviews
G. Booking Details, Thomas Sterling, Bkg. #2081586
H. Criminal History, Thomas Sterling, Bkg. #2081586
I. Inmate Discipline Record, Inmate Sterling

Miscellaneous Documents

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 910-00266-5800-505 | Date: 2/27/10 | Time: 1250 hours

Location: 450 Bauchet Street | City or Station: Los Angeles

Bureau/Station/Facility: Twin Towers Correctional Facility | Admin. Investigation: YES [ ] NO [X]

Type of Force: Fracture from take-down

Deputy Injury: YES [ ] NO [X] | Suspect Injury YES [X] NO [ ]

[ ] Call | [X] Observation | [ ] Detail | [ ] Foot Pursuit | [ ] Vehicle Pursuit

IAB Notified: YES [X] NO [ ] | Person Notified: Lt. Scott Brickert | Emp: [redacted] | IAB Roll Out: YES [X] NO [ ]

Involved Employee

E1

Employee #: [redacted] | Last Name: Vasquez | First Name: Luis | Middle Name: nmn

Sex: [X] Male [ ] Female | Race: H | Unit of Assignment: TTCF | Work Assignment (Unit #, Module, etc.): Pod 151

Shift: [ ] EM [X] Day [ ] PM | [X] Regular Shift [ ] OT Shift [ ] Off Duty | Age: [redacted] | Height: 6'00" | Weight: 180

[ ] Injured [ ] Treated [ ] Admitted Hospital: | Coroner Case # | Directed Force [ ] Significant Force [X]

E2

Employee #: [redacted] | Last Name: [redacted] | First Name: [redacted] | Middle Name: [redacted]

Sex: [redacted] Male [redacted] Female | Race: [redacted] | Unit of Assignment: [redacted] | Work Assignment (Unit #, Module, etc.): [redacted]

Shift: [redacted] EM [redacted] Day [redacted] PM | [X] Regular Shift [ ] OT Shift [ ] Off Duty | Age: [redacted] | Height: [redacted] | Weight: [redacted]

[ ] Injured [ ] Treated [ ] Admitted Hospital: | Coroner Case # | Directed Force [ ] Significant Force [X]

E_

Employee # | Last Name | First Name | Middle Name

Sex: [ ] Male [ ] Female | Race: | Unit of Assignment: | Work Assignment (Unit #, Module, etc.):

Shift: [ ] EM [ ] Day [ ] PM | [ ] Regular Shift [ ] OT Shift [ ] Off Duty | Age: | Height: | Weight:

[ ] Injured [ ] Treated [ ] Admitted Hospital: | Coroner Case # | Directed Force [ ] Significant Force [ ]

[ ] Additional Involved Employees

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Gutierrez	Gregory	R.	Sgt.	YES [ ] NO [X]	YES [ ] NO [X]
					YES [ ] NO [ ]	YES [ ] NO [ ]

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Reinecker	Paxton	A.

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Arnaldo	Eduardo	G.

Watch Commander (**Print Name**) | Watch Commander's **Signature**: | Emp #: | Date

Sgt. Scott Hill | [redacted]

Supervisor Completing Form: (**Print Name**) | Emp #: | Copy Provided to Employee by: | Emp #:

Unit Commander (**Print Name**) | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only

FO# 226031

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 07/08)

Supervisor's Report on Use of Force
SUSPECT INFORMATION
910-00266-5800-505

Suspect Information

S 1

Last Name: Sterling | First Name: Thomas | Middle Name: Athion

AKA Last Name: | First Name: | Middle Name:

Sex: [X] Male [ ] Female | Race: B | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: [redacted] | Home Phone: [redacted] | Age: 58 | Height: 5'11"02- | D.O.B. 12-1952 | Weight: 120 | Armed? [ ]

Booking #: 2081586 | Primary Charge Code: 11352 H& S | Secondary Charge Code: | Criminal History [redacted]

EMT in attendance? [X] YES [ ] NO Name: Lennie Mano | Unit: Urgent Care | Phone #: (213) 893 5491

Hospital Admission? [ ] | Rec'd Treatment At: TTCF Urgent Care | Coroner Case #: N/A | Mental History [X]

By Doctor: Dr. Solomon Little, #[redacted] | Address: TTCF Medical Services | Phone #: (213) 893-5100

Under Influence: [ ] YES [X] NO | Substance: | Mental Illness [X]

Suspect Interview

Date: 02-27-2010 | Time: 1415 hrs | [ ] Audiotape: | [X] Videotape: | [X] Photos of Injuries: | [ ] ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: [ ] Male [ ] Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? [ ]

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History [ ]

EMT in attendance? [ ] YES [ ] NO Name: | Unit: | Phone #:

Hospital Admission? [ ] | Rec'd Treatment At: | Coroner Case #: | Mental History [ ]

By Doctor: | Address: | Phone #:

Under Influence: [ ] YES [ ] NO | Substance: | Mental Illness: [ ]

Suspect Interview

Date: | Time: | [ ] Audiotape: | [ ] Videotape: | [ ] Photos of Injuries: | [ ] ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: [ ] Male [ ] Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? [ ]

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History [ ]

EMT in attendance? [ ] YES [ ] NO Name: | Unit: | Phone #:

Hospital Admission? [ ] | Rec'd Treatment At: | Coroner Case #: | Mental History [ ]

By Doctor: | Address: | Phone #:

Under Influence: [ ] YES [ ] NO | Substance: | Mental Illness [ ]

Suspect Interview

Date: | Time: | [ ] Audiotape: | [ ] Videotape: | [ ] Photos of Injuries: | [ ] ADMITS HEARING ANNOUNCEMENTS

[ ] Additional Suspects Involved

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION
9 1 0 - 0 0 2 6 6 - 5 8 0 0 - 5 0 5

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
none			

Non-Employee Witnesses

Last Name: [redacted]	First Name: [redacted]	Middle Name: [redacted]	Age: 24	D.O.B.: [redacted]
Street Address: L.A. County Jail Inmate Bkg. # [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph.: [redacted]	Home Ph.: [redacted]
Last Name: [redacted]	First Name: [redacted]	Middle Name: [redacted]	Age: 55	D.O.B.: [redacted]
Street Address: L.A. County Jail Inmate Bkg. # [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph.: [redacted]	Home Ph.: [redacted]
Last Name: [redacted]	First Name: [redacted]	Middle Name: [redacted]	Age: 43	D.O.B.: [redacted]
Street Address: L.A. County Jail Inmate Bkg. # [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph.: [redacted]	Home Ph.: [redacted]
Last Name: [redacted]	First Name: [redacted]	Middle Name: [redacted]	Age: 34	D.O.B.: [redacted]
Street Address: L.A. County Jail Inmate Bkg. # [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph.: [redacted]	Home Ph.: [redacted]
Last Name: [redacted]	First Name: [redacted]	Middle Name: [redacted]	Age: 18	D.O.B.: [redacted]
Street Address: L.A. County Jail Inmate Bkg. # [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph.: [redacted]	Home Ph.: [redacted]
Last Name:	First Name:	Middle Name:	Age:	D.O.B.:
Street Address:	City:	Zip Code:	Work Ph.:	Home Ph.:
Last Name:	First Name:	Middle Name:	Age:	D.O.B.:
Street Address:	City:	Zip Code:	Work Ph.:	Home Ph.:
Last Name:	First Name:	Middle Name:	Age:	D.O.B.:
Street Address:	City:	Zip Code:	Work Ph.:	Home Ph.:
Last Name:	First Name:	Middle Name:	Age:	D.O.B.:
Street Address:	City:	Zip Code:	Work Ph.:	Home Ph.:

☐ Additional Witness

Supervisor's Report on Use of Force
910-00266-5800-505

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Sterling	S1	Vasquez	E1	RS	NN	
Vasquez	E1	Sterling	S1	TD	FR	CH
Sterling	S1	Vasquez	E1	RS	NN	
[redacted]	E2	Sterling	S1	CT	NN	
Vasquez	E1	Sterling	S1	CT	NN	
Sterling	S1	Vasquez	E1	PK	NN	
Sterling	S1	[redacted]	E2	PK	NN	
[redacted]	E1	Sterling	S1	TD	NN	

INVESTIGATIVE SUMMARY

USE OF FORCE - FRACTURED RIB

IAB FILE NUMBER: FO2262031

URN: 910-00266-5800-505

OPENING STATEMENT:

On February 27, 2010, at 1250 hours, Custody Assistant Luis Vasquez, assigned to Twin Towers Correctional Facility (TTCF), was involved in a significant use of force with Inmate Thomas Sterling. Inmate Sterling suffered a fractured 5th rib.

At the time of the incident TTCF Urgent Care personnel were unable to determine if Inmate Sterling's injury was caused by his contact with Officer Vasquez or if his injury was suffered prior to his contact with Officer Vasquez.

Dr. Toby Washington, #[redacted] a Board Certified Radiologist, determined that Inmate Sterling's fractured 5th rib was probably the result of his contact with Officer Vasquez. The delay in the diagnosis, resulted in a delayed response by IAB personnel. On March 3, 2010, IAB Sergeant Scott Hill responded to the TTCF to begin his investigation.

SYNOPSIS:

On February 27, 2010, at 1250 hours, Custody Assistant Vasquez was completing his shift at TTCF. Prior to leaving, he decided to assist the oncoming shift with count. While performing the count, Officer Vasquez became aware of Inmate Thomas Sterling. Inmate Sterling told Officer Vasquez that he was having difficulty breathing due to the high temperature inside the Pod.

> **IAB Note:** The air-conditioning system at the TTCF was off, while routine maintenance was being performed on it. As a result, the temperature inside the facility climbed as did the humidity (Refer to Exhibit "C" Work Order Tracking Report).

Inmate Sterling, who was standing at the head of the stairs on the second tier, ran down the stairs toward Officer Vasquez. Inmate Sterling stated he did this so he could "get some oxygen" through the closed Pod door.

Not knowing Inmate Sterling's intentions, and fearing Inmate Sterling was going to attack him, Officer Vasquez grasped Inmate Sterling's shirt and forced him backward. Inmate Sterling fell onto the staircase, back first. Officer Vasquez, straddling Inmate Sterling, attempted to subdue Inmate Sterling. He (Sterling) grasped onto the tubular steel railing with his left hand.

Officer Vasquez ordered Inmate Sterling to release his grasp, so Officer Vasquez could place Inmate Sterling into a control hold. Just as Officer Vasquez managed to get Inmate Sterling back onto his feet, Deputy [redacted] arrived and assisted Officer Vasquez push Inmate Sterling to the interior Pod wall, adjacent to the door. Officer Vasquez and Deputy [redacted] forced Inmate Sterling to the floor, just outside of Pod 151E. He was handcuffed without further incident.

INVOLVED PERSONNEL:

VASQUEZ, Luis, Custody Assistant, #[redacted]

[redacted] Deputy Sheriff, #[redacted]

Work History:

VASQUEZ, Luis, Emp. #[redacted]
Date of Employment: 09-15-2008
Date assigned to Custody: [redacted]
Date Completed Custody Training: [redacted]
Prior Founded Force Incidents: [redacted]

[redacted]
Date of Employment: [redacted]
Date assigned to Custody: [redacted]
Date Completed Custody Training: [redacted]
Prior Founded Force Incidents: [redacted]

SUSPECT/INMATE:

STERLING, Thomas, #2081586

INMATE WITNESSES:



[redacted], #[redacted]

[redacted], #[redacted]

[redacted] #[redacted]

[redacted] #[redacted]

[redacted] #[redacted]

INJURIES:

Inmate Sterling suffered a fractured 5th rib. He complained of pain on the right side of his chest.

PHYSICAL EVIDENCE:

Refer to Exhibit "D" photographs of scene.

INVESTIGATOR OBSERVATIONS:

None.

Due to the late diagnosis of Suspect Sterling's fractured rib, the IAB response was delayed by four days.

WEAPONS USED BY DEPARTMENT PERSONNEL:

None.

WEAPONS USED BY INMATE/SUSPECT:

None.

PROPERTY DAMAGE:

None.

CRIMINAL INVESTIGATOR/CHARGES FILED:

No charges filed.

LIGHTING AND WEATHER CONDITIONS:

Incident occurred indoors, normal lighting conditions.

INVOLVED EMPLOYEE STATEMENTS:

Luis Vasquez, Custody Assistant, #[redacted]

Officer Vasquez was interviewed by IAB Sergeant Scott Hill on September 10, 2010, at 1220 hours and on October 1, 2010 at 1309 hours. Both interviews were digitally audio recorded. The narrative which follows is intended only as a synopsis of the IAB interviews. Additional information and precise wording may be obtained by reviewing Officer Vasquez' recorded interviews and the transcriptions thereof.

Officer Vasquez stated he had just completed his shift in Pod 151, and was assisting the PM shift with their inmate count prior to leaving for the day. The air conditioning for the Pod was undergoing maintenance, (Refer to Exhibit, "C" Work Order Tracking for Pod 151E) so the temperature and humidity in the Pod was high. Officer Vasquez stated the inmates were taking out their frustration "verbally" on the staff. Inmate Sterling was no exception, he was also verbally abusive. Officer Vasquez told Inmate Sterling to "relax," so he could finish his count.

Inmate Sterling, who was standing at the head of the stairs on the second tier appeared "angry" (Refer to Exhibit "D" Photograph 4). Officer Vasquez stated he has had more than twenty contacts with Inmate Sterling and has never had a problem with him (Refer to Exhibit "H" Inmate Discipline Record). Officer Vasquez said, "That's why it struck me kind of odd that he would come down in the manner that he did, angrily." Inmate Sterling began running down the staircase, skipping every other stair. Unsure of Inmate Sterling's intentions, and fearing Inmate Sterling might attack him, Officer Vasquez grasped Inmate Sterling's shirt and forced him back onto the staircase (Refer to Exhibit "D" Photograph 3). Officer Vasquez stated Inmate Sterling probably suffered his injury as a result of his back or side striking one of the metal stairs, when Officer Vasquez grasped Inmate Sterling's shirt and forced him back onto the staircase.

> **IAB Note:** Pod 151E houses inmates diagnosed with some form of mental illness, who are currently receiving medical treatment for their condition(s).

> I ordered him to stop resisting, stop fighting. At which point, he then grabbed onto the staircase [rail], [he] didn't want to let go and he tried to fight to get up at one point. At which point I was able to gain control of his arm, get them behind his back. Soon after that Deputy [redacted] came and assisted me.

Officer Vasquez stated he and Deputy [redacted] escorted Inmate Sterling out of the Pod. Officer Vasquez said;

> "Unfortunately Inmate Sterling just kind of became somewhat combative you know. Kind of stopping his feet, [he] didn't want to leave, kicking up against the doorway. In order to gain better control we pushed him up to the right of the doorway to better gain control of his arms and then escorted him out of the doorway of the pod. We had to take him down to the ground to better secure him. Deputy [redacted] then placed handcuffs on him."

Officer Vasquez stated no other force, aside from taking Inmate Sterling to the ground and handcuffing him, was used on Inmate Sterling. Officer Vasquez stated neither he nor Deputy [redacted] ever struck Inmate Sterling with their fists, nor kicked him.

Officer Vasquez was unable to deploy his Oleoresin Capsicum (OC) spray as Inmate Sterling was upon him with such speed that he was unable to retrieve it.

[redacted] Deputy Sheriff, #[redacted]

Deputy [redacted] was interviewed by IAB Sergeant Scott Hill on September 23, 2010, at 1751 hours. The interview was digitally audio recorded. The narrative which follows is intended only as a synopsis of the IAB interview. Additional information and precise wording may be obtained by reviewing Deputy [redacted] recorded interview and the transcription thereof.

Deputy [redacted] stated he was doing count when he entered Pod 151E. "I saw him (Sterling) aggressively trying to pull away from my partner (Vasquez). The two were at the bottom of the stairway. "I went over and attempted to gain control of the inmate by grabbing a hold of his arms and [forcefully] placing him up against the wall . . . the inmate was continuing to struggle [so] we escorted him out of the pod, because the other inmates in the pod were becoming aggressive, they were yelling at us and everything." Deputy [redacted] feared that if they didn't remove Inmate Sterling from the Pod the potential for "a much larger situation" existed.

Deputy [redacted] said;

> "We escorted him out and he attempted to turn on us and I believe that he was attempting to kick us. Based on that, in an effort to gain control and gain control of the rapidly evolving situation, I did a take down and I took inmate Sterling to the ground, face down to the ground, in order to control him while I placed him in handcuffs."

No additional force, other than resistive handcuffing, was used on Inmate Sterling by Deputy [redacted]

Because of the high temperature in the Pod, Deputy [redacted] opted not to deploy his Oleoresin Capsicum (OC) spray. He feared the high temperature in the Pod would cause the OC to disperse into the air more rapidly. It would exacerbate an already sensitive situation with the other inmates and would require the evacuation of the entire dorm.

INVOLVED INMATE STATEMENT:

Thomas Sterling, Bkg. #2081586

Inmate Sterling was interviewed twice on February 27, 2010. Sergeant Greg Gutierrez, #[redacted] TTCF Floor Sergeant, conducted the first interview of Inmate Sterling. The interview began mid-sentence, so the time the interview took place is not known. The interview was video recorded. The audio track was transcribed. The narrative which follows is intended only as a synopsis of Sergeant Gutierrez' interview with Inmate Sterling. Additional information and precise wording may be obtained by reviewing Inmate Sterling's recorded interview and the transcription thereof.

> **IAB Note:** It should be noted that both of Inmate Sterling's interviews were difficult to follow. His thoughts shifted from one topic into another, and many of his statements made little sense.

Inmate Sterling said;

> "I told him (Vasquez) that I couldn't breathe, that I was having a real bad difficulty and I needed to get as close to the door as I could . . . Then he (Vasquez) said, "Well come on down the stairs." When I got downstairs, he said, "Sit down." I sat down and I asked him, "Can I get a little closer to the door?" he said, "No." I said, "Well hey, I can't breathe. I can't breathe." I could have did this, now, then, I would have been still sitting there, but I couldn't do that.
>
> I followed instructions up to the point where I didn't feel like I could take it anymore. So I approached, addressed the issue with you know, let me get close to the door. I was in the process of getting up and the deputy approached me and you might say he was sustaining me in that area on the steps. That was about the size of it for you know, for that point of it was concerned. I guess he felt like I was find the word, I don't know what word to, disrespecting him or whatever you know, I don't know just what was on his mind, but he wasn't being pleasant with the fact that I had gotten up to come a little closer to the door and breath. So you know . . . And he was beating up on me on the stairs. He rushed up on me on the stairs . . . pinned me to the stairs."

Inmate Sterling stated Officer Vasquez placed his hands on his throat and he choked him. He kneed Inmate Sterling in the chest and "bumped" Inmate Sterling's head on the stairs. Inmate Sterling said, "[He] handcuffed me [and] snatched me up to the wall. After that, assistance came and backup came to the floor." While he was lying on the floor, Inmate Sterling stated he was kicked "a couple kicks" on his right side.

Sergeant Gutierrez asked Inmate Sterling if he has been diagnosed as suffering from any mental condition, Inmate Sterling stated he suffers from Paranoid Schizophrenia.

> **IAB Note:** Mayoclinic.com describes signs and symptoms of paranoid schizophrenia as:
>
> - Auditory hallucinations, such as hearing voices
> - Delusions, such as believing a co-worker wants to poison you
> - Anxiety
> - Anger
> - Aloofness
> - Violence
> - Verbal confrontations
> - Patronizing manner
> - Suicidal thoughts and behavior

The second interview was conducted by Lieutenant Eduardo Arnaldo, PM shift Watch Commander, Twin Towers Correctional Facility. The interview took place on February 27, 2010 at 1415 hours. The interview was video recorded. The audio track was transcribed. The narrative which follows is intended only as a synopsis of Lieutenant Arnaldo's interview with Inmate Sterling. Additional information and precise wording may be obtained by reviewing Inmate Sterlin g's recorded interview and the transcription thereof.

Inmate Sterling stated during count he told Officer Vasquez he was having trouble breathing and asked if he (Vasquez) would allow him to "get some air." Inmate Sterling stated Officer Vasquez told him to sit down on the stairs. Inmate Sterling asked Officer Vasquez if he "could get a little closer to the door." Officer Vasquez repeated his order for Inmate Sterling to remain seated on the stairs.

Inmate Sterling offered no explanation of what occurred between the time Officer Vasquez ordered him to sit on the stairs, until Inmate Sterling stated Officer Vasquez strangled him, bumped his head on the stairs, threw him to the floor, and kicked him after he was handcuffed. Inmate Sterling stated a total of four department personnel were involved in the assault. However, he indicated that Officer Vasquez was responsible for his injuries.

> **IAB Note:** Other personnel responded to the scene at the conclusion of the incident, but only Officer Vasquez and Deputy [redacted] used reportable force.

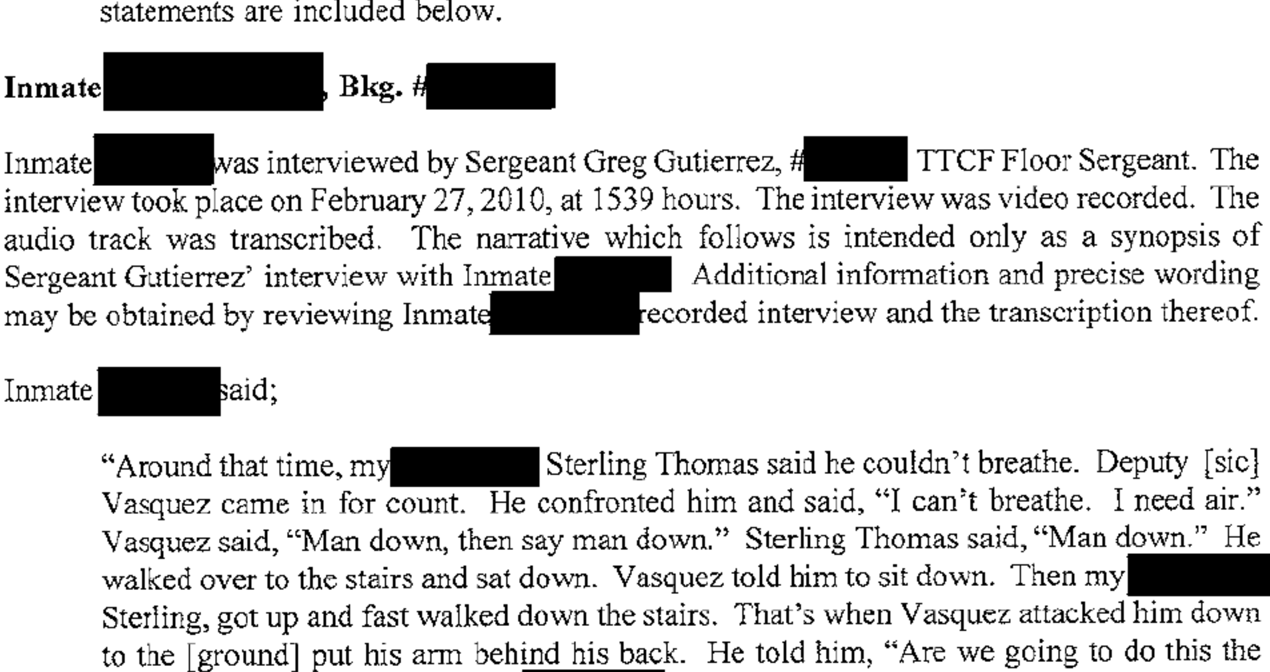
When Lieutenant Arnaldo pressed Inmate Sterling for further details of the incident, Inmate Sterling became argumentative with Lieutenant Arnaldo stating, "Do you remember what I just told you?" Inmate Sterling was cautioned by Lieutenant Arnaldo not to argue with him.

Lieutenant Arnaldo asked Inmate Sterling to point out his injuries for the video. There are no signs of abrasion or bruising to Inmate Sterling's neck or side.

> **IAB Note:** Inmate Sterling was examined by Nurse Lennie Mano, RN, #[redacted] During his examination of Inmate Sterling, Nurse Mano noted, "Man Down from Module 151. Patient stated he got kicked on the right side of his rib cage. No sign of swelling at this time."

WITNESS STATEMENTS:

IAB Note: The following inmate interviews were short, therefore the inmate's verbatim statements are included below.



Inmate [redacted], Bkg. #[redacted]

Inmate [redacted] was interviewed by Sergeant Greg Gutierrez, #[redacted] TTCF Floor Sergeant. The interview took place on February 27, 2010, at 1539 hours. The interview was video recorded. The audio track was transcribed. The narrative which follows is intended only as a synopsis of Sergeant Gutierrez' interview with Inmate [redacted] Additional information and precise wording may be obtained by reviewing Inmate [redacted] recorded interview and the transcription thereof.

Inmate [redacted] said;

> "Around that time, my [redacted] Sterling Thomas said he couldn't breathe. Deputy [sic] Vasquez came in for count. He confronted him and said, "I can't breathe. I need air." Vasquez said, "Man down, then say man down." Sterling Thomas said, "Man down." He walked over to the stairs and sat down. Vasquez told him to sit down. Then my [redacted] Sterling, got up and fast walked down the stairs. That's when Vasquez attacked him down to the [ground] put his arm behind his back. He told him, "Are we going to do this the easy way or the hard way?" My [redacted] Sterling just looked at him, didn't say nothing at first (inaudible). Then he said, "Alright." and then Vasquez picked him up, dragged him, put his arm behind his back, slammed him into the wall face first, pushed him to the wall face first and slammed him to the ground outside the pod."

IAB Note: Officer Vasquez stated he did not recall saying "man-down" or "go man-down") to Inmate Sterling.

Inmate [redacted] Bkg. #[redacted]

Inmate [redacted] was interviewed by Sergeant Greg Gutierrez, #[redacted] TTCF Floor Sergeant. The interview took place on February 27, 2010, at 1548 hours. The interview was video recorded. The audio track was transcribed. The narrative which follows is intended only as a synopsis of Sergeant Gutierrez' interview with Inmate [redacted] Additional information and precise wording may be obtained by reviewing Inmate [redacted] recorded interview and the transcription thereof.

Inmate [redacted] said;

> "Well, it started with the inmate, well it started with count time. The officer came into the pod for count and we had all complained about the ventilation system and the fog, the windows, I mean it's so bad in there, the windows was foggy and after we complained about it, he said, "Don't come to jail." and the older guy said, "Well I can't breathe, I have problems with breathing." and he said, "Well go man down." So he said, "I'm going man down." So the, so the officer said, told him to sit on top of the stairs."

"He sat on top of the stairs and the officer continued his count and then he, I guess the man made an aggressive move down the stairs. Aggressive like running downstairs and not toward him, but trying to get downstairs I guess to go man down. I don't know, and the officer stopped him on the stairs and subdued him, like held him down and the old man grabbed the pole, grabbed the handle and the pole of the stairs and he said, "You don't want to do this." The officer said, "You don't want to do this. You're going to lose." So the guy, so he said, "Let go of the pole." He let it go and the officer picked him up off the stairs and slammed him against the, a wall and told him to put his hands behind his back. He put his hands behind his back and the rest of the officers came and trying to figure out what happened, and they took him outside and then just took him down to the ground."

Inmate [redacted] Bkg. #[redacted]

Inmate [redacted] was interviewed by Sergeant Greg Gutierrez, #[redacted] TTCF Floor Sergeant. The interview took place on February 27, 2010, at 1556 hours. The interview was video recorded. The audio track was transcribed. The narrative which follows is intended only as a synopsis of Sergeant Gutierrez' interview with Inmate [redacted] Additional information and precise wording may be obtained by reviewing Inmate [redacted] recorded interview and the transcription thereof.

Inmate [redacted] said;

"The inmate said that he was having problems breathing, he was having an asthma attack. So the deputy or custody assistant told him to say man down then, and so he did and he headed down the stairs, apparently a bit too fast for the custody assistant and custody assistant told him to stop and he said, "No, I said man down." He then proceeded, restrained him . . . He pushed him down against the stairs and held him there.

And then he didn't move. And so he (Vasquez) said, "Did you hear me when I told you stop?" and he said, "I said man down, I can't breathe." and then he said, "We can do this the easy way or the hard way. Which way do you want to do it?" and the inmate said, "The easy way." he said, "Alright, get up, put your –." and he put his hands behind his back and he took him out, out of the cell."

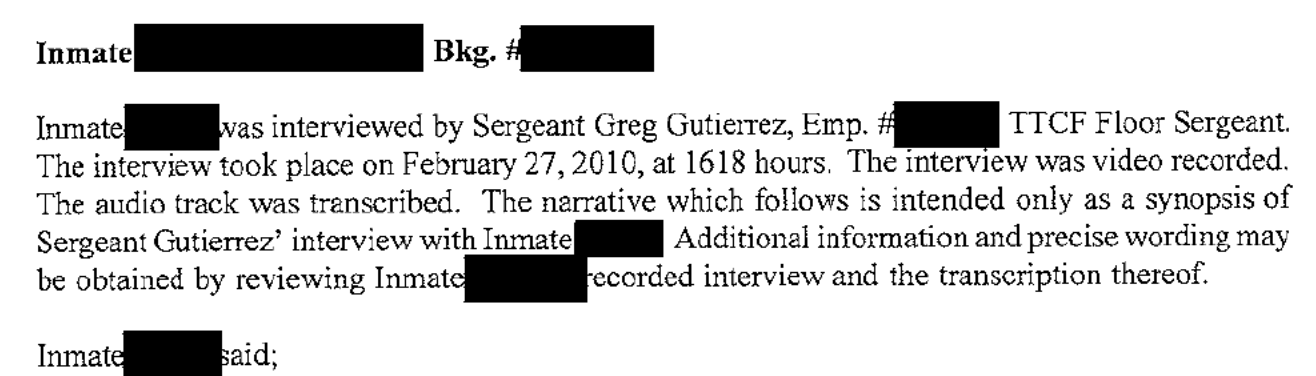
Inmate [redacted] stated other personnel arrived to assist. He said, "They ran up, but they didn't get involved. It was already done." Inmate [redacted] stated Inmate Sterling was handcuffed outside the Pod.

Inmate [redacted] Bkg. #[redacted]

Inmate [redacted] was interviewed by Sergeant Greg Gutierrez, #[redacted] TTCF Floor Sergeant. The interview took place on February 27, 2010, at 1606 hours. The interview was video recorded. The audio track was transcribed. The narrative which follows is intended only as a synopsis of Sergeant Gutierrez' interview with Inmate [redacted] Additional information and precise wording may be obtained by reviewing Inmate [redacted] recorded interview and the transcription thereof.

Inmate [redacted] said;

> "What happened was Deputy Vasquez went over, after the inmate. An African American gentleman, he must have been about 50 - 60 years old. Pushed the button, the radio in for a man down, because it was getting really hot. All the windows in the cell, in the jail are, the pod was heated up with fog, nobody could breathe. People were perspiring a lot and Deputy Vasquez says, "Step away you know, stop ringing that you know, pushing the ringer, the talker." and so he steps away and he says, "This is not funny." So you know, "I'm going to fall out." The African American gentleman. Then Vasquez opens up the door and he runs up the stairs, the African American gentleman goes back up the stairs and he says, "This is not funny. What do I do?" Well Vasquez says, "Well call man down." You know, and the African American gentleman says, "You know, okay, alright."
>
> So he starts walking down the steps like kind of fast and he says, "Stop, stop." So he hit right about here, stopped here or here and Vasquez was right there and then he says, "This is not funny, I'm going to pass out." and Vasquez went over, took him down. When he took him down, he goes like this and he ripped the pole, pushing his forearm like this on his neck. The elderly man could not breathe. He was gripping the pole. Vasquez said, "Remove your hand off the f-g pole." Okay, so he goes like that. He says, "Don't you ever run at a cop like that again.
>
> You know, because that's not going to get you to where something like that of that sort." and then he starts pushing him down. He says, "I can't breathe, I can't breathe." And he goes, and then Vasquez goes, "Well you know –." Something about, you know, "Well you know what, you shouldn't come to jail then." Basically. So then he gets, he gets him up, he goes to stand up. He gets off and then he takes him and slams the African American inmate against the wall and then you know, and hard too, and then takes him over, outside of the door, slams him to the ground with another White sheriff and then three more come out of nowhere and they're all like pressing him down. He was not resisting at all. Was not resisting. Totally not and that's all I've got to really say you know."



Inmate [redacted] Bkg. #[redacted]

Inmate [redacted] was interviewed by Sergeant Greg Gutierrez, Emp. #[redacted] TTCF Floor Sergeant. The interview took place on February 27, 2010, at 1618 hours. The interview was video recorded. The audio track was transcribed. The narrative which follows is intended only as a synopsis of Sergeant Gutierrez' interview with Inmate [redacted] Additional information and precise wording may be obtained by reviewing Inmate [redacted] recorded interview and the transcription thereof.

Inmate [redacted] said;

> "He (Officer Vasquez) came in for count and Mr. Sterling had raised his hand to let the officer know that he couldn't breathe, because of the, for some reason the room gets humid. There's a lot of humidity in there and you can hardly breathe. To make a long story short, he raised his hand to the officer. The officer told him to go man-down.

And so that's what the man decided to do, go man down. For some reason the man started coming down the stairs and by the time he got to the stairs, the officer told him to stop. At the same time, he took another step, and the officer physically, I don't want to say attacked, but physically approached him . . . picked him up from the stairs, slammed into the corner of the wall and then grabbed him from the corner of the wall, took him out past the doorway and kind of slammed him on the ground and then by that time the other officers came in, the deputies came in and assisted him and put the cuffs on him, picked him up off the ground and marched him out.

IAB Note: Officer Vasquez stated he had no recollection of telling Inmate Sterling to go "man down."

MISCELLANEOUS SECTION:

None.